

REMARKS

The previously indicated allowability of claims 2 and 4-12 has been withdrawn and claims 2 and 4-7 have been newly rejected as being anticipated by Dilger. Claims 13 and 15 remain rejected as being indefinite. Remaining claims 8-12 and 14 are objected to, presumably as being dependent on rejected claims. It is believed that the above amendment to claim 15 and the following remarks overcome these grounds for rejection/objection and now place all claims in condition for allowance..

Claim Amendments

Claim 2 has been amended to remove an inadvertent inconsistency that has just come to the attention of the undersigned. Specifically, a proviso in claim 2 (appearing at page 8 above, seven lines from the bottom) states in part, “with the proviso that R^5 is not hydroxy...,” which proviso was present in original claim 2 as filed. However, a later proviso in claim 2 (appearing at page 9 above, 11 lines from the top, which was also in original claim 2 as filed) states “that when R^6 is $-Y^4R^{35}$ and R^5 is hydrogen, hydroxy, methoxy....” This reference to “when ... R^5 is ... hydroxy” is unnecessary and possibly confusing, since R^5 cannot be hydroxy due to the earlier noted proviso in this claim. The reference to R^5 being “hydroxy” has therefore been deleted from the second above-noted proviso (page 9 above, line 11) to avoid possible confusion. This amendment does not change the scope of this proviso, nor of claim 2 as a whole, since R^5 could not be “hydroxy” in any event.

Claim 15 have been amended to be directed toward “A method of reversing undesirable neovascularization by selectively damaging newly formed vascular epithelium in a warm-blooded animal in need thereof...” along the lines suggested by the Examiner. Support for this amendment is found, *inter alia*, at specification page 1, paragraph beginning at line 22.

Now new matter has been added, and entry of these amendments is believed to be in order and is respectfully requested. All other claims remain as originally presented or previously amended. Following entry of these amendments, claims 2 and 4-15 remain pending in this application.

Claim Rejection – 35 USC §112, Second Paragraph

Claims 13 and 15 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically:

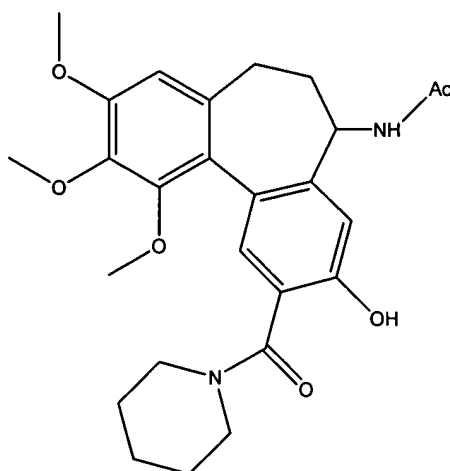
With respect to claim 13, the Examiner questions whether any compound of formula III or IV would be appropriate for the Sandmeyer reaction to produce a chloro substitution at R⁵ or R⁶. It is respectfully submitted that any compound of formula III or IV would be appropriate for the Sandmeyer reaction, since both the compound of formula III and IV have a group -Y⁷-, which is defined to be either a hydroxy or amino group. The presence of the hydroxy or amino group means that the compound is suitable for the Sandmeyer reaction. It is therefore believed that claim 13 is clear and definite as it stands, with withdrawal of this ground for rejection is respectfully requested.

Claim 15 has been rejected as being indefinite with respect to the nature of the "vascular damaging effect." The Examiner notes that the phrase "vascular damaging effect" does not sufficiently convey that this effect of the claimed compounds is selective toward "newly formed vasculature," and suggests directing the claim toward "a method of inhibiting neovascularization by damaging vascular epithelium." The Examiner's suggestion is appreciated, but it is believed that the method disclosed at page 1 of the specification may be more particularly characterized as "a method of reversing undesirable neovascularization by selectively damaging newly formed vascular epithelium in a warm-blooded animal in need thereof..." This amendment is believed to overcome any basis for this rejection, and entry of the amendment and withdrawal of the rejection are respectfully requested.

New Claim Rejection - 35 USC § 102(b)

Claims 2 and 4-7 have been newly rejected under 35 U.S.C. § 102(b) as being anticipated by Dilger (*J. Prakt. Chem* **340**, 468, 1998), (hereinafter "Dilger"). This ground for rejection is respectfully traversed.

The Examiner specifically points to the structure of Dilger compound 22 at page 469:



The Examiner then lists a particular moiety for R¹, R², R³, X, R⁵ and R⁶ from among those claimed and concludes that the claims are anticipated, including R⁵ being hydroxy. However, the Examiner apparently overlooked the proviso later in claim 2 that excludes compounds wherein R⁵ is hydroxy. Thus, compound 22 of Dilger does not fall within the scope of any of the present claims and therefore this disclosure cannot constitute anticipation. It is therefore respectfully requested that this ground for rejection be withdrawn as well.

Information Disclosure Statement

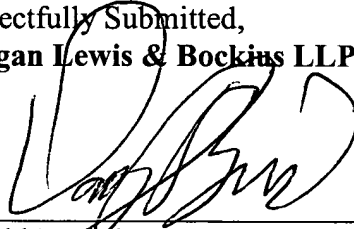
The Examiner has stricken certain documents presented on the forms PTO-1449 submitted with Applicants' Information Disclosure Statements because translations are not present in the file. A Supplemental Information Disclosure Statement will be submitted shortly to provide English language abstracts and/or CA structures from the respective foreign language documents, to the extent they can be obtained, together with a further form PTO-1449 listing and appropriately characterizing such abstracts and materials. Applicants will endeavor to file this Supplemental Information Disclosure Statement as quickly as possible, but if the Examiner does not find this Supplemental Information Disclosure Statement US PTO file when this application is taken up for a further Action on the merits, it is respectfully requested that the Examiner telephone the undersigned at the telephone number given below to determine whether such Supplemental Information Disclosure Statement may have been held up in transit within the Patent Office.

Conclusion

In view of the above clarifying amendments to claims 2 and 15 and the foregoing remarks, it is believed that all grounds for rejection have been addressed and overcome. Therefore, withdrawal all rejections and objections is believed to be in order, and the allowance of all claims is respectfully requested.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or to credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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